

**REGULAR SESSION    RUSH COUNTY BOARD OF COMMISSIONERS    JULY 2, 2012**

The Rush County Board of Commissioners met in regular session, Monday, July 2, 2012 with Commissioners, Tom Barnes, Marvin Cole, Ken Masters, Jodi Harr, Deputy Auditor, and Leigh Morning, County Attorney in attendance. Auditor Deborah Adams was on vacation.

Commissioner Tom Barnes called the meeting to order, Marvin Cole made the motion to approve the minutes from the June 18, 2012 meeting as presented. Ken Masters seconded the motion. Motion carried. Marvin Cole made the motion to approve the minutes of the special meeting held on June 25, 2012 meeting as presented. Ken Masters seconded the motion. Motion carried.

**CLERK**

Debbie Richardson, Clerk, presented the commissioners with a proposal to replace a support deputy and bookkeeper in her office. She currently has eight (8) deputies in her budget. One deputy retired at the end of 2011 and she did not replace her. The support deputy is retiring in July. She would like to hire someone now so her current support deputy can train her. The trainee would be paid from the deputy position not being used right now until the support deputy retires. Her bookkeeper will retire in November. She would like to hire her replacement in October and pay her from the remaining salary of the support deputy. For 2013 she has only budgeted for seven (7) deputies. She does not need the eighth deputy. The position has been advertised.

Commissioner Masters stated it his understanding that the commissioners and the council must approve the person being hired. Barnes explained the reasoning behind this is to ensure enforcement of the new nepotism policy. Attorney Leigh Morning explained that the office holder is required at the end of each year to certify to the commissioners that their office is in compliance with the nepotism policy. Richardson was also asked if there was anyone else in her office that could do this training. She stated that no these deputies know their job better than anyone else in the office.

Commissioner Masters made the motion to approve the Clerk's proposal with the understanding that the clerk must certify that the new hires are in compliance with the nepotism policy. Commissioner Cole seconded. Motion carried. Richardson was reminded that she must also get approval from the County Council for her proposal.

Richardson asked for clarification on who the new hire cannot be related to. They cannot be related to the officeholder. John Saxon if this includes relatives by marriage and in-laws. Morning stated that yes it does.

**ADA**

Katherine Singleton, ADA Compliance Officer, presented An Agreement between the Commissioners and ADA Consultants of Indiana LLC for On-call ADA Facility Evaluations and Consultation Services. She also provided a Certificate of Liability Insurance and an Affidavit RE: Employment of Unauthorized Aliens. The ADA Committee recommends ADA

Consultants of Indiana LLC to provide these services. They are currently working with Tippecanoe County and are in the process of obtaining several other contracts to provide the same services. They are aware of the legislative changes and time constraints placed on the county. County Attorney Leigh Morning has looked over the contract and gives her approval. Commissioner Masters made the motion to approve the contract with ADA Consultants of Indiana LLC for the purpose of formulating ADA guidelines set forth by federal regulations. Marvin Cole seconded. Motion carried.

## **ECDC**

Jim Finan, Executive Director of the Rush County ECDC, updated the commissioners on several projects being worked on by his office.

- ECDC could not legally combine offices and boards with the Chamber of Commerce. They will continue to operate separately.
- The ECDC office has been moved to the Herdrich Building.
- Presented the new plan for a stronger Rush County. This was prepared based on a meeting earlier in the year with several key Rush County business leaders and elected officials.
- Presented the Manifest of vision for Rushville and Rush County. This was taken to Washington D.C. by local elected officials and business leaders. Items discussed are State Road 3 expansion project, North Industrial Park, Cherry Street extension, Community Center, and Princess Theatre.
- The local ECDC board is allowing Finan to be interim director of the EIDD. Five of six counties are still supportive of the EIDD.
- Updated the list of proposals being made to the state for projects in Rush County. No response has been received.
- Thanked the commissioners for their continued financial support of the ECDC.

John Saxon asked if a copy of the Manifest vision for Rush County will be made available to the public. Finan stated it is on the ECDC web site and he will leave a copy with the Rush County Auditor.

## **SHERIFF**

Jeff Sherwood, Sheriff, reported fifty-two (52) inmates currently incarcerated in the Rush County jail.

High winds have damaged the communications antenna at the jail. They are currently operating on the 800 mhz system.

Acting on an opportunity for lower fuel bids for 2013, Sherwood received verbal approval from each of the commissioners to advertise for sheriff fuel bids in July instead of in November. Bids will be opened at 9:30 a.m. on July 16, 2012. This does not include the highway fuel bids.

The new CodeRed contract was presented for the commissioners approval. The annual cost for a two year contract will be \$8,950.00 which is a savings of \$6,000.00 per year. The county attorney has reviewed the contract. Commissioner Masters made a motion to sign the two year contract with CodeRed. Commissioner Cole seconded. Motion carried.

Barnes reminded Sherwood that the County Animal Control Ordinance will need to be revisited after the Interlocal Agreement is signed with the City of Rushville. John Saxon asked if the county currently has an animal control ordinance? Barnes informed him that Ordinance 2007-2 relates to animal control. Saxon asked if this was related to the new ordinance set by Carthage Town Board. The county has not received anything regarding this from the Carthage Town Board.

### **HIGHWAY**

Jerry Sitton, Highway Superintendent, presented a contract between Rush County and the State of Indiana for sign inventory. There is no cost involved in this contract. Commissioner Cole made the motion to sign the contract. Commissioners Masters seconded. Motion carried.

The highway department will have overtime from the past weekend due to heavy wind damage. He will need to hire a private contractor to remove two trees which are over roadways.

The No Smoking signs for the courthouse, jail, highway garage, conservation club and horse/pony building are in. Commissioner Barnes asked if signs can be purchased through the highway department for private businesses. Sitton can give them the name and phone number of the company but is not allowed to purchase the signs for a business.

### **COUNTY HEALTH INSURANCE**

Jerry Sitton, chairman of the county health insurance committee, presented the commissioners with the Medical Stop Loss Proposal for Rush County Employees for their signature. Vision and Dental plans did not change. Health insurance stayed with Sagamore Plus and Perico HCC as the re-insurer. Commissioner Masters made the motion to sign the continuation of coverage with Sagamore Plus and Perico HCC per the recommendation of the health insurance committee. Commissioner Cole seconded. Motion carried.

### **RUSH COUNTY HISTORICAL SOCIETY**

Marvin Kuhn representing the Rush County Historical Society requested the commissioners continue their support of the historical society in their 2013 budgets.

### **AUDITOR**

Jodi Harr, Deputy Auditor, received approval of payroll claims for the payroll ending July 6, 2012 on a motion by Marvin Cole. Ken Masters seconded the motion. Motion carried.

Bi-weekly claims were approved on a motion by Marvin Cole. Ken Masters seconded the motion. Motion carried.

The commissioners were notified of a tort claim which has been filed against the county by Kirk Black.

### **EMS**

EMS run report was received and reviewed from Raleigh Volunteer Fire Department.

It was also noted that Anderson Twp Volunteer Fire Department is requesting an increase in their 2013 allowance.

### **HEALTH DEPARTMENT**

County Attorney Leigh Morning presented the commissioners with Ordinance 2012-10 approving the resolution of the board of health establishing a nepotism policy. The health department is required to have their own policy in addition to the county's policy. It is the same as the county policy. Commissioner Masters made the motion to sign the health department nepotism policy Ordinance 2012-10. Commissioner Cole seconded. Motion carried.

## **AN ORDINANCE OF THE RUSH COUNTY COMMISSIONERS, RUSH COUNTY, INDIANA, APPROVING THE RESOLUTION OF THE BOARD OF HEALTH OF THE RUSH COUNTY HEALTH DEPARTMENT, RUSH COUNTY, INDIANA, ESTABLISHING A NEPOTISM POLICY**

### **ORDINANCE 2012-10**

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WHEREAS, the Rush County Board of Health passed a Resolution on June 19, 2012 establishing a Nepotism Policy which states in pertinent part as follows:

WHEREAS, in 2012 the Indiana Legislature passed, and the Governor signed, HEA 1005 entitled Nepotism; Conflict of Interest;

WHEREAS, IC 36-1-20.2, as added by P.L. 135-2012, SECTION 7, requires the Rush County Health Department to establish a policy concerning nepotism;

WHEREAS, IC 36-1-21, as added by P.L. 135-2012, SECTION 8, requires the Rush County Health Department to establish a policy concerning contracting with relatives of elected officials;

WHEREAS, these two new chapters, IC 36-1-20.2 Nepotism and IC 36-1-21 Contracting with a Unit, respectively, are effective July 1, 2012;

WHEREAS, in both of the new Indiana Code chapters, the municipal legislative bodies are mandated to adopt a policy that includes, as a minimum, the requirements set forth in those new chapters;

WHEREAS, in both of the new Indiana Code chapters “relative” is defined as a spouse, parent, stepparent, child (natural or adopted), stepchild, brother, half- brother, sister, half-sister, stepbrother, stepsister, niece, nephew, aunt, uncle, daughter-in-law or son-in-law;

WHEREAS, after thoughtful consideration and in order to comply with the two new chapters of the Indiana Code mentioned above, the Rush County Health Department believes it is in the best interests of its citizens to adopt as its policies the minimum requirements of IC 36-1-20.2 Nepotism and IC 36-1-21 Contracting with a Unit as stated in the said new chapters of the Indiana Code; and

Now, therefore, the Board of Health of the Rush County Health Department states as follows:

1. The Rush County Health Department finds that it is necessary and desirous to adopt a policy of conduct with regard to nepotism in the employment with the Rush County Health Department and in contracting with the Rush County Health Department in order to continue to be able to provide local government services to its residents and to comply with the new laws effective July 1, 2012 known as IC 36-1-20.2 and IC 36-1-21, respectively.
2. On July 1, 2012 the Rush County Health Department shall have a Nepotism and a Contracting with a Unit policy that complies with the minimum requirements of IC 36-1-20.2 (hereinafter “Nepotism Policy”) and IC 36-1-21 (hereinafter “Contracting with a Unit by a Relative Policy”) and implementation will begin.
3. The Rush County Health Department Nepotism Policy is hereby established effective July 1, 2012 by adopting the minimum requirements provisions of IC 36-1-20.2, and including all future supplements and amendments thereto which become law from time to time, and making them a part hereof as if fully set out herein.
4. The Rush County Health Department Contracting with a Unit by a Relative Policy is hereby established effective July 1, 2012 by adopting the minimum requirements provisions of IC 36-1-21, and including all future supplements and amendments thereto which become law from time to time, and making them a part hereof as if fully set out herein.
5. The Rush County Board of Health of the Rush County Health Department finds that both IC 36-1-20.2 and IC 36-1-21 specifically allow a unit to adopt requirements that are “more stringent or detailed” and that more detailed are necessary.
6. The Rush County Board of Health of the Rush County Health Department further finds that a single member of the legislative body cannot act for the body to make work assignments, compensation, grievances, advancement or a performance evaluation without prior authority of a majority of the body and therefore without such authority by the majority he/she will not be in the direct line of supervision. See, [IC 36-4-6-11] [IC 36-5 -2-9.4].

7. The Board of Health of the Rush County Health Department finds that a single member of governing bodies with authority over employees in the Rush County Health Department cannot act for the governing body to make work assignments, compensation, grievances, advancement or a performance evaluation without prior authority of a majority of the body, when a statute provides that a majority is needed to act, and therefore, without such authority by the majority the single member will not be in the direct line of supervision.
8. All elected and appointed officials and employees of the Rush County Health Department are hereby directed to cooperate fully in the implementation of the policies created by this Resolution/Resolution and demonstrating compliance with these same policies.
9. Failure to abide by or cooperate with the implementation, compliance and certifications connected with the Nepotism Policy is a violation and may result in the discipline, including termination, of an employee or a transfer from the direct line of supervision or other curative action. An elected or appointed official of the Rush County Health Department who fails to abide by or cooperate with the implementation, with the compliance and with mandated certifications of either the Nepotism Policy may be subject to action allowed by law.
10. Failure to abide by or cooperate with the implementation, compliance and certifications connected with the Contracting with Unit by a Relative Policy is a violation and may result in the discipline, including termination, of an employee or a curative action. An elected or appointed official of the Rush County Health Department who fails to abide by or cooperate with the implementation, with the compliance and with mandated certifications of either the Nepotism Policy or the Contracting with Unit by a Relative Policy may be subject to action allowed by law.
11. The policies created by this Resolution/Resolution are hereby directed to be implemented by any of the following actions: a) posting a copy of this Resolution/Resolution in its entirety in at least one of the locations in the Rush County Health Department where it posts employer posters or other notices to its employees; b) providing a copy of this Resolution/Resolution to its employees and elected and appointed officials; c) providing or posting a notice of the adoption of this Resolution/Resolution; or d) any such other action or actions that would communicate the policies established by this Resolution to its employees and elected and appointed officials. Upon any of taking these actions these policies are deemed implemented by the Rush County Health Department.
12. A copy of the provisions of IC 36-1-20.2 and IC 36-1-21 effective July 1, 2012 are attached hereto.
13. Two (2) copies of IC 36-1-20.2 and IC 36-1-21, and as supplemented or amended, are on file in the office of the Clerk or Clerk-Treasurer for the Rush County Health Department for public inspection as maybe required by IC 36-1-5-4.

**SEVERABILITY OF PROVISIONS:** If any provision of this Resolution or the application thereof to any person or circumstances shall be determined to be invalid, the remainder of the Resolution and the application of its provisions to other persons not similarly situated or to the other circumstances shall not be affected thereby.

**REPEAL OF PREVIOUS RESOLUTIONS:** Any and all Resolutions in conflict herewith shall be repealed.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF HEALTH OF THE RUSH COUNTY HEALTH DEPARTMENT, INDIANA this Resolution will be in full force and effect from and after its passage and signature by the Board of Health of the Rush County Health Department, Indiana, and as provided by law, and upon any further requirements under Indiana law.

**WHEREAS**, the Board of Commissioners of Rush County, Indiana find that such approval and establishment of the above stated nepotism policy is reasonable.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF RUSH COUNTY, INDIANA:**

The Board of Commissioners of Rush County, Indiana, has determined as follows:

**SEVERABILITY OF PROVISIONS:** If any provision of this Ordinance or the application thereof to any person or circumstances shall be determined to be invalid, the remainder of the Ordinance and the application of its provisions to other persons not similarly situated or to the other circumstances shall not be affected thereby.

**REPEAL OF PREVIOUS ORDINANCES:** Any and all ordinances in conflict herewith shall be repealed.

**NOW, THEREFORE, BE IT ORDAINED THAT THE BOARD OF COMMISSIONERS OF RUSH COUNTY, INDIANA**, with this Ordinance approves and passes the above-stated Resolution, that it will be in full force and effect from and after its passage and signature by said Commissioners, proper publication as provided by law, and upon any further requirements under Indiana law.

ADOPTED THIS 2<sup>ND</sup> DAY OF JULY, 2012.

/s/ Thomas H. Barnes  
Thomas H. Barnes

/s/ Marvin L. Cole  
Marvin L. Cole

/s/ Ken Masters  
Ken Masters

Attested by C. Jodi Harr, Deputy Auditor, this 2<sup>nd</sup> day of July, 2012.

/s/ C. Jodi Harr  
C. Jodi Harr  
Deputy Auditor

**MISC.**

- Courthouse clock has been reset following the wind storm on Friday. The American Flag did not receive any damage but the clamps need to be replaced. Marvin Rees will take care of this.
- Attorney Tracy Newhouse needs a copy with original signatures of Ordinance 2012-8 with original signatures to record. Morning provided the copy for the commissioners to sign.
- Commissioner Masters will follow-up with Randy Herbert to see if he has obtained any additional quotes regarding Spy Glass.

Motion to adjourn was received from Ken Masters. Marvin Cole seconded the motion. Motion carried.

<u>/s/Tom Barnes</u>	<u>/s/Marvin Cole</u>	<u>/s/Ken Masters</u>
Tom Barnes, Chairman	Marvin Cole	Ken Masters

ATTEST:

/s/Deborah C. Adams  
Deborah C. Adams, Auditor